IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY

PETITION NO. 57 OF 2006.

Re : Dr.Satyavan B. Nandoskar . . . . . Debtor.

Ex-parte :
M/s.Jayantilal T. Mehta . . . . . Petitioning Creditors.

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Mr. Ramesh Jain Advocate for the Petitioning Creditors.

CORAM : A.M.KHANWILKAR J.
DECEMBER 4, 2007.

P. C.

1. The present Petition is founded on the decree passed by the Court against debtor on 4th July 2005 passed by the Hon'ble High Court in Summary Suit No. 5413 of 1999. As the debtor failed to pay the amount, Insolvency Notice No. N/30 of 2006 dated 28th February 2006 was issued, which was duly served on the debtor on 28th March 2006. Inspite of service, debtor failed to pay the decretal amount. In that sense, act of insolvency was completed on 3rd May 2006.

2. As the debtor failed to pay the amount or offer any explanation for non-payment, Petitioning Creditors have had no option but to take out the present action, which has been filed on 6th July 2006. The debtor has been

duly served on 11th October 2006 in the present action. Inspite of such service, none appears for the debtor. No reply has been filed. As no explanation has been offered on behalf of the debtor, Petition ought to succeed in terms of prayer clauses (a) and (b).

Ordered accordingly.

A. M. KHANWILKAR, J.